

REMARKS

Upon entry of the present Amendment, the claims under consideration are Claims 1-4, 7, and 10-12. Claim 1 has been amended hereby. No new matter has been added.

The Office Action of 01 September 2005 has required restriction between the Claims of Group I (Claims 1-12) and Group II (Claims 13-27). Applicant elects Group I, Claims 1-12, with traverse. The Office Action has further required election of a species between an Embodiment 1, illustrated by Figures 1-3, and an Embodiment 2, illustrated by Figure 4. Applicant elects the species of Embodiment 1, the embodiments of Figures 1-3, with traverse. Claims 13-27 are thus withdrawn due to the restriction requirement. All Claims except 5, 6, 8, 9, 17, 18, 20, and 21 read on both of the elected and non-elected species and are generic. Claims 5, 6, 8, and 9 of the elected Group I have been withdrawn owing to the species restriction. Applicant respectfully requests that the restriction requirements be reconsidered and withdrawn according to the amendment and remarks herein.

The Office Action contends that: "In the instant case, invention II has separate utility such as an IC chip not using the spiral inductor of invention I. Applicant has amended Claim 1 such that the IC of invention II now clearly requires an inductor having the same limitations of the inductor of Claim 1. Therefore, the above contention of the Office Action is no longer correct.

Further, the Applicant respectfully urges that the Office Action has not properly set forth evidence of distinctiveness nor offered reasons and analysis conforming to the requirements of MPEP §806.05.

Particularly, the Detailed Action has sought to establish that Groups I and II are distinct subcombinations under MPEP §806.05(d). However, Applicant urges that Groups I and II are not properly considered as distinct subcombinations of the invention under which one-way distinctiveness can be established under MPEP §806.05(d). Rather, Groups I and II are properly considered as subcombination and combination under MPEP §806.05(a) because all physical limitations of independent Claim 1 of Group I are required within the independent Claim 13 of Group II. Therefore, two-way distinctiveness must be established by the Office under the requirements of MPEP §806.05(c).

Because independent Claim 13 contains all physical limitations of independent Claim 1, it is not believed that two-way distinctiveness can be shown. Further, there is no undue burden to the Examiner to examine both groups together because of their closely related structural limitations, and no such burden is set forth in the Detailed Action. It is therefore respectfully requested that the restriction requirement be withdrawn with respect to Groups I and II and that both said Groups be examined.

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Request For Telephonic Interview

Applicant intends to be fully responsive to the Office Action. The Examiner is requested to call Applicants' attorney (per the provisions of M.P.E.P. §713) to discuss any concerns of the Office or to suggest solutions in defining the present invention in order to expedite the case towards allowance.

Favorable consideration is requested.

Respectfully submitted,



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